IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSASND AND FIVE

PRESENT
THE HON'BLE MRS JUSTICE T.MEENA KUMARI
and

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APEAL NO: 143 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the order dated 20/09/2004 in WP No: 16866 of 2004 on the file of the High Court.)

Between:

Andhra Pradesh State Federation Cooperative Spinning Mills Ltd., rep.by Sri K.V.Koteswasra Rao, Liquidator, 5th floor, B.R.K.Bhavan, Tank Bund, Hyderabad.

……APPELLANT

AND

1. V.Srinivasa Rao, s/o. RajaRao, Andhra Pradesh State Federation Cooperative Spinning Mills, Ltd., R/o. Sipoypet, Chirala, Prakasam Dist.
2. State of Andhra Pradesh rep.by Principal Secretary to Government (Textiles) Cooperative Department Secretariat, Saifabad, Hyderabad.

……..RESPONDENTS

Counsel for the Appellant: MR. V.T.M.PRASAD.

Counsel for the Respondent No.1: MR. K.R.SRINIVAS
Counsel for the Respondent No.2: Govt. Pleader for Co-operation.

The Court made the following:

JUDGMENT (Per the Honourable Smt. Justice T.Meena Kumari)

This writ appeal is filed by the 1st respondent-appellant herein aggrieved by the order of the learned single Judge in W.P.No.16866 of 2004, dated 20.9.2004, under which the said writ petition was disposed of directing the 1st respondent-appellant to consider the claim of the writ petitioner.

The 1st respondent herein is the writ petitioner and he is a retired Accounts Officer of the 1st respondent-appellant. He filed the writ petition seeking a direction more particularly one in the nature of Writ of Mandamus to declare the action of the Respondent-appellant in not setting the retirement benefits like gratuity P.F. and other allied service benefits to the petitioner in spite of his representations as illegal, arbitrary violative of Article 14 and 21 of the Constitution of India and consequentially, to direct the Respondent-appellant to settle the retirement benefits like gratuity P.F. and other service benefits etc by disposing of his representation dt 11-11-2000 and 09-03-2004 taking into consideration G.O.Rt.No.712 dated 12-09-2003 issued by the 2nd Respondent pursuant to the implementation of interim orders dated 19-08-2002 in WPMP No.18979 of 2002 in WP No.15157 of 2002. The learned single Judge having considered the rival contentions, disposed of the writ petition directing the 1st respondent-appellant to pass appropriate orders on the representations of the writ petitioner dated 11.11.2000 and 9.3.2004 according to the Rules keeping in view G.O.Rt.No.712, dated 12.9.2003 issued by the 2nd respondent pursuant to the direction of this Court dated 19.8.2002 in W.P.M.P.No.18979 of 2002 in W.P. No.: 15157 of 2002. Having aggrieved by the same, the present writ appeal is preferred by the 1st respondent-appellant herein.

Heard the learned counsel on either side.

It is contended by the learned counsel appearing on behalf of the appellant that the appellant-federation is not an instrumental of the State. In support of his contention, he relied on a decision of this Court reported in SUM. PRASAD V. A.P. STATE FEDERATION OF COOPERATIVE SPINNING MILLS LTD. ([1]). But, the material annexed to the writ appeal, goes to show that such a contention has not been raised before the learned single Judge, but it has been raised for the first time before this Court. Hence, We do not want to go into merits of the said contention at this stage.

We have perused the order impugned. There is no dispute that the writ petitioner is as retired Accounts Officer of the appellant. The relief that is sought for by the writ petitioner, is to consider his representations in the light of the G.O.Rt.No.712, dated 12.9.2003, under which the cases of similarly situated employees have been considered. In the circumstances of the case, We are of the view that the learned single Judge is justified in directing the appellant to consider the representations of the writ petitioner in the light of the G.O.Rt.No.712. Therefore, the said order does not require any interference by this Court.

Accordingly, this writ appeal is dismissed. No costs.

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Justice T.Meena Kumari

7th February, 2005.

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Justice S.Ananda Reddy

Gurc.

Copies to

1. The Principal Secretary to Government (Textiles) Cooperative Department Secretariat, Saifabad, Hyderabad.
2. Two CCs to the GP for cooperation, High Court Buildings, Hyderabad.
3. Two CD.

HONOURABLE SMT. JUSTICE T. MEENA KUMARI
&
HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT APPEAL NO. 143 OF 2005
(judgment delivered by Smt. Justice T. Meena Kumari)

7th February, 2005

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[1] 2001 (6) alt 233